

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

UNITED STATES OF AMERICA §
§
VS. § **CRIMINAL NO. SA-12-CR-01012**
§
ANTONIO PENA-ARGUELLES §

MOTION FOR EARLY TERMINATION OF SUPERVISED RELEASE

**TO THE HONORABLE ORLANDO L. GARCIA, CHIEF UNITED STATES
JUDGE FOR THE WESTERN DISTRICT OF TEXAS, SAN ANTONIO
DIVISION:**

NOW COMES ANTONIO PENA-ARGUELLES, the Defendant in the above styled and numbered cause, who by and through his undersigned Counsel, respectfully moves this Court for early termination of supervised release. In support thereof, Defendant would respectfully show the following:

AUTHORITIES

1. The statute governing early termination of supervised release, 18 U.S.C. 3583(e)(1), provides that the court may terminated a term of supervised release “and discharge the defendant released at any time after the expiration of one year of supervised release... if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice.”

BACKGROUND

2. On March 31, 2014 Defendant Pena plead guilty to a one count Information charging him with Conspiracy to Launder Monetary Instruments in violation of 18 U.S.C. § 1956(h) and was sentenced that same date to imprisonment for thirty (30) months, with credit for the twenty-six (26) months, six (6) days Pena served in pretrial confinement and a Supervised Release term of three (3) years. Additionally, Pena forfeited some \$4,900,000.00 in cash and \$875,000.00 in realty and personal property.

3. On April 14, 2014 Defendant Pena discharged his sentence of confinement and was released from the Central Texas Detention Facility--GEO to begin serving his term of Supervised Release (*See: Recommendation of USPO Mario Mejia, below*).

4. For the first two years of his term of Supervised Release, Defendant Pena reported in person to his probation officer and has continued to report by electronic mail for the past five (5) months. Mr. Pena has continued his cooperation and assistance with the U.S. Attorneys Office for the Southern District of Texas, regarding significant prosecutions pending in that District. During the two-and-one-half-years of supervision, Defendant Pena has resided in the Western District of Texas on a Deferred Action, Significant Public Benefit Parole, assigned

to ICE Agent, Fernando Quiroga. While he is not yet permitted to seek employment, Mr. Pena has had no arrests for any felony or misdemeanor offense and has complied with the terms of his Supervised Release.

LEGAL AUTHORITY

5. Section 3583(e)(1) of the United States Code (18 U.S.C. § 3583) provides for early termination of supervised release. In pertinent part the statute states that:

6. The court may, after considering the factors set forth in section 3583(e)(1), terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice.

RECOMMENDATION OF PROBATION OFFICER

7. Undersigned Counsel has been advised by USPO Mario Mejia, who can be contacted on his direct telephone No. (210) 683-6822, that based upon Defendant Pena's conduct and compliance during the past two-and-one-half years

of Supervised Release, USPO Mejia recommends that Defendant Pena's Supervised Release be early terminated at this time.

PRAYER

WHEREFORE, Defendant, Antonio Pena-Arguelles, respectfully prays that pursuant to the provisions of 18 U.S.C. § 3583(e)(1) and § 3553(a) this Honorable Court grant early termination of supervised release, and such other relief as this Court deems just and proper.

Respectfully submitted,

GERALD H. GOLDSTEIN
Bar No. 08101000
GOLDSTEIN, GOLDSTEIN & HILLEY
310 S. St. Mary's St.
29th Floor Tower Life Bldg.
San Antonio, Texas 78205
210-226-1463
210-226-8367 facsimile

BY: *s/ Gerald H. Goldstein*
Gerald H. Goldstein

ATTORNEY FOR DEFENDANT,
Antonio Pena-Arguelles

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of October, 2016, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to Assistant United States Attorney Charles Straus.

/s/ Gerald H. Goldstein
Gerald H. Goldstein

CERTIFICATE OF CONFERENCE

This is to certify that the undersigned counsel conferred with both AUSA Charles Strauss and Defendant's Probation Officer Mario Mejia regarding this motion and:

They do not oppose it.

He does oppose it.

Our attempts to resolve it were unsuccessful.

Counsel were able to agree regarding the motion as follows:

_____.

Counsel's attempt to contact the government was unsuccessful.

/s/ Gerald H. Goldstein

Gerald H. Goldstein

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

UNITED STATES OF AMERICA §
§
VS. § **CRIMINAL NO. SA-12-CR-0102**
§
ANTONIO PENA-ARGUELLES §

ORDER
MOTION FOR EARLY TERMINATION OF SUPERVISED RELEASE

On this the _____ day of _____, 2016, came to be heard
Defendant ANTONIO PENA-ARGUELLES's Motion for Early Termination of
Supervised Release and said motion is hereby:

GRANTED.

DENIED.

Honorable Orlando Garcia